

JEFFREY L. BORNSTEIN (State Bar No. 99358)
BARRY M. HARTMAN, (DC Bar No. 291617) (*Pro Hac Vice pending*)
KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
55 Second Street, 17th Floor
San Francisco, CA 94105
Telephone: (415) 882-8200
Fax: (415) 882-8220

1601 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 778-9000
Fax: (202) 778-9100
Attorneys for Defendant
JOHN J. COTA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No.: CR 08-0160 SI
)	
Plaintiff,)	DEFENDANT'S RESPONSE TO
)	GOVERNMENT'S EX PARTE MOTION
vs.)	
)	
JOHN J. COTA,)	
)	
Defendant.)	
)	
)	
)	

Defendant has no objection to a hearing on the government's motion on an expedited basis but notes that a deposition is scheduled for May 29 and 30, 2008. It is premature to set a trial date. The government continues to produce needed discovery. The defense has not had the time necessary to review and digest the massive amount of materials

1 the government has recently produced. If the Court believes it to be prudent to set a tentative
2 date for trial subpoenas, we have no objection so long as the date is set on or after October
3 13, 2008.

4
5 Respectfully submitted,

6
7 KIRKPATRICK & LOCKHART
8 PRESTON GATES ELLIS LLP
9

10 Dated: May 22, 2008

11 By: /S/ JEFFREY L. BORNSTEIN
12 JEFFREY L. BORNSTEIN
13 BARRY M. HARTMAN
14 Attorneys for JOHN J. COTA
15
16
17
18
19
20
21
22
23
24
25
26
27
28